



**Challenging Attacks on Sickness Absence in  
Further Education Colleges 2014**

**A Toolkit**

## 1. Why is this guidance needed?

This guide is aimed at college reps, branch officers and regional organisers involved in campaigning and negotiating on the issue of sick pay and sickness absence measures in Further Education (FE) in England. It is designed to give you practical information and suggestions to help in your negotiations. In December 2012 The Association of Colleges (AoC) unilaterally withdrew from the national Joint Agreement on Guidelines on Sickness Leave in Further Education Colleges. Since the withdrawal a number of colleges have reviewed their own sickness absence policies. Negotiations to try and re-establish the national agreement broke down in January 2014.

With the continued funding pressures on colleges, it is likely that sick pay entitlements will remain under attack for the foreseeable future. The need for clear and meaningful arguments against any detriment to our members' sick pay and entitlements is more important than ever.

This guide aims to assist you in your role as a steward or safety rep by providing advice on the key issues in managing sickness, health and wellbeing. It is designed as a source of information and a general negotiating tool. It provides guidance on what you may want to see included in any sickness absence agreements with your employers, an insight into understanding the aims of managers, and identifies what areas of conflict may arise and how these can be resolved. Any risks to physical or mental wellbeing of staff should be identified and reduced as far as possible. Members should not be subject to terms and conditions that encourage them to come to work when they are not well enough to do so simply for fear of losing pay or being accused of shirking their duties. To assist with this campaign we have also produced an organising toolkit.

## 2. What does this guidance include?

### The national context

We will look at the overall bargaining context in which individual college reps and their branches are negotiating and defending sick pay and the way in which sickness absence is monitored and managed in detail.

- The arguments you can use during negotiations  
This guidance will rehearse some of the arguments your employer might give for changing or attacking your sick pay or sickness absence procedures and the information you need to counter those arguments. These will include questioning the financial assumptions that may have been made and whether there are any underlying reasons for patterns of sickness that can be tackled in other ways.
- How cuts to sick pay will impact on members  
This will include some examples of how attacks on sick pay can impact on individuals and the effect it will have on their pay.
- Equality Impact  
We will cover the most important aspects of the equality duty in relation to sickness absence.
- Checklist  
There is a list of key points to help you cover all the main areas in your negotiations.

Your branch office can provide advice, information or campaign materials you need to help your negotiations. If any aspect of your sick pay or policy is under

attack, or you need support with individual casework relating to sickness absence, call your branch office and [education@unison.co.uk](mailto:education@unison.co.uk)

### 3. Details of the AoC proposed changes to the Joint Agreement

In December 2012 the AoC wrote to the joint FE trade unions and gave notice that they were unilaterally withdrawing from the Joint Agreement on Guidelines on Sickness Leave in Further Education Colleges. The agreement stated:

Subject to the provisions of this scheme, employees will be entitled to the following periods of sick pay:

<u>Service</u>	<u>Sick Pay</u>
During 1 <sup>st</sup> year of service	1 month's full pay and, after 4 months' service, 2 months' half pay
During 2 <sup>nd</sup> year of service	2 months' full pay and 2 months' half pay
During 3 <sup>rd</sup> year of service	4 months' full pay and 4 months' half pay
During 4 <sup>th</sup> and 5 <sup>th</sup> year of service	5 months' full pay and 5 months' half pay
After 5 years' service	6 months' full pay and 6 months' half pay

This Agreement is in line with teachers as set out in the Conditions of Service for Teachers in England and Wales. UNISON and the college unions were disappointed that the AoC chose to step away from a standard benefit across education. We have made it clear that we wish to continue to work with the AoC to resolve this matter and entered into negotiations that broke down in January 2014.

The AoC position does not automatically change anything in your college. **There is no call from the AoC for colleges to cut their sick pay provisions or procedures. The AoC reminds colleges that:**

*"... where a college has adopted the April 2000 joint agreement as a local collective agreement, the arrangements for paid sick leave will have become incorporated into individual employee's contracts of employment, and thus cannot be unilaterally changed without collective consultation and agreement to any proposed variation".*

This will be the case for any sick pay provisions or procedures that are incorporated into your contract of employment. Any proposed changes to conditions of service must be negotiated with UNISON- call us about this immediately. Contact details at the reference section of this guide. The ACAS guidance suggests minimal standards for negotiating on sick pay and leave arrangements. <http://www.acas.org.uk/index.aspx?articleid=4199> We would also recommend that you use the advice in the UNISON guidance <https://www.unison.org.uk/get-help/help-with-problems-at-work/employment-rights/sickness-and-absence/your-rights/>

### 4. Challenging the Myths

Employers and governments have often tried to portray that there is a "sickie" culture prevalent among British workers, and in particular public sector workers. Yet at the time of writing, according to the Office for National Statistics (ONS), days lost to sickness absence have declined over the last ten years from 178 million in 1993 to 131 million in 2013. Although these figures indicate that

sickness absence in the public sector is marginally higher than in the private sector, this is largely explained by the types of jobs public sector workers do. For example, absence rates are highest in the caring occupations (where many public sector workers are employed), and these workers are more likely to suffer from back and musculoskeletal injuries, which are amongst the most common causes of sickness absence<sup>1</sup>. The ONS statistics also show that public sector employers, compared to the private sector, are more likely to be located in socially deprived and poorer areas which have poorer health outcomes, and consequently higher levels of sickness absence.

## 5. Challenging any proposals a trade union response

Across the FE sector, college staff members are facing attacks on their conditions of service. **Colleges seeking to reduce the level of sick pay or introduce punitive sickness absence management procedures must be challenged to avoid a race to the bottom.**

Colleges may assert that they will save significant sums of money. This is rarely borne out by evidence. What is clear is that it does produce a real term pay cut for those who may find themselves in the unfortunate position of needing the support of longer term sick pay.

The introduction of sickness absence management procedures are often not thought through and are used to avoid addressing underlying causes of sickness absence including workplace stress. Mechanistic management systems like the Bradford Factor are no substitute for effective employment practice.

Unrealistic measures and links to disciplinary procedures are sometimes introduced in reaction to a single case that was not appropriately dealt with and thus punishing all hard working staff rather than managing a single exception. Creating healthy workplaces is crucial to good health and safety practice. Employers have a duty to comply with the management of Health and Safety at Work Act 1974. It places a duty on all employers "to ensure, so far as is reasonably practicable, the health, safety and welfare at work" of all their employees. Among other provisions, the Act also requires:

- adequate training of staff to ensure health and safety and
- adequate welfare provisions for staff at work

Employers must also keep and revise a written record of health and safety policy and consult with employees or their representatives on such policies.

<http://www.healthyworkinglives.com/advice/Legislation-and-policy/Workplace-Health-and-Safety/health-safety-legislation#health>

Absence agreements also cover trade union involvement and rights such as:

- When discussions about updating procedures should be held;
- The role of the health and safety committee (if one exists);
- The role of safety reps, and stewards in providing support and advice, including their right to accompany an individual to a meeting to discuss with their manager capability issues such as their levels of sickness absence, attendance and fitness for work.

Absence procedures should be part of a package of arrangements that aim to create healthy workplaces. They should include procedures to help rehabilitate workers as part of their return to work and methods to detect and tackle the underlying causes of work-related absence. Absence procedures should not be about penalising workers for being sick and forcing them back to work before they are sufficiently fit, or used as a weapon to discriminate against disabled people.

## 6. The Role of the Trade Union Health and Safety Reps

Trade union safety reps have the legal right to be consulted on health and safety issues in the workplace, and this includes sickness absence. The Health and Safety Executive (HSE) suggests that union safety reps can work with the employer in respect of sickness absence by:

- Helping to identify measures to improve worker health and prevent it being made worse by work;
- Suggesting that your employer develops workplace plans and policies on sickness absence management;
- Helping to keep workers who are on sick leave in touch with work;
- Helping your employer to plan adjustments that will enable workers to return to work;
- Supporting workers to help them to return to work;
- Helping to promote understanding between impairments, health conditions and disability in the workplace.

This guide confirms the important role that safety reps can play in the process of sickness absence management supporting individuals as well as improving and developing agreements that focus on employee rehabilitation and healthy workplaces.

## 7. The Role of managers

Employers are required to protect the health, safety and welfare of their employees. The HSE says this includes taking action to protect employees health and safety after they return to work after a period of absence, particularly if they have become more vulnerable to risk because of illness, injury or disability<sup>ii</sup>. In addition high levels of sickness absence may indicate underlying health and safety workplace issues. Managers will say that they have a duty to ensure that absence levels do not undermine service levels. UNISON believes that service levels can be successfully maintained by a supportive approach that focuses on tackling the underlying causes of sickness, and the rehabilitation of employees following a period of sick leave. In addition supportive policies and procedures often lead to improvements in productivity and services, and can also assist employers in meeting their legal obligations not only with regard to health and safety, but also equal opportunities, legislation.

## 8. Self- certification and the “Fit Note”

The Department of Work and Pensions (DWP) says that “self-certification” is required for between four and seven days absence. However as most employers pay sickness benefit from the first day of absence (statutory sick pay only applies after three days absence) it is reasonable for an employer to require self certification after one day’s absence.

Fit-note: When a worker has been off for more than seven consecutive days (this includes non-working days) they must provide their employer with a doctor’s “fit note”. The GP will complete the “fit note” indicating via a system of tick boxes whether the worker:

1. is “not fit for work”;
2. “may be fit for work taking account of the following advice”. The doctor will then complete a comments box advising whether with the employer’s agreement the worker may benefit from:
  - a phased return to work;
  - altered hours;

- amended duties;
- workplace adaptations.

The GP can then give additional comments on the effect the patient's condition has on their ability to do their job. However the DWP says that if the employer can't agree on any changes, they should treat the fit note as saying that the worker is not fit for work<sup>iii</sup>. The employee does not need a new fit note from their doctor to confirm this. However they may want to consider returning to the GP to advise on the employers negative response and seek another fit note, preferably with other suggestions about return arrangements. The employee may in such circumstances consider inviting the support and advice of Access to Work (see below for more details), and also, in consultation with their rep, whether their absence is related to a disability. Reps should also ensure sick pay continues until the situation is resolved. If a GP considers their patient fit for work as normal they would not issue a fit note. It has been known for an employer to ask for medical evidence before the worker has been off for less than eight days. However this is not normal practice and the GP is entitled to charge the patient for supplying it. When this happens the member should contact their safety rep or local UNISON steward, and seek to ensure that the employer reimburses them in full for the cost of the fit note plus associated travel.

## 9. Negotiating arguments

The following section gives some of the arguments that we know colleges will use if they are seeking to attack sick pay or introduce tougher measures to manage sickness absence. It will also suggest some practical answers and questions you can raise to challenge their assumptions.

What they say	What we say
Jobs or sick pay? It's your choice.	<ul style="list-style-type: none"> <li>• We acknowledge the FE funding situation and we will work with colleges and the AoC to lobby the Government; however at a local level this is a false choice.</li> <li>• Ask your employer for evidence.</li> <li>• Ask to see the budget for the coming year and the forecasts they have made to demonstrate the savings they say they will make.</li> <li>• You have a right to disclosure of information for bargaining purposes</li> </ul>
Long term sick pay must be cut to save money.	<ul style="list-style-type: none"> <li>• Challenge assumptions such as saving on long term illnesses by using examples. A college is highly unlikely to remove pay from an employee who is off with a long term illness such as cancer. Most policies will already contain the ability to continue to pay sick pay on a discretionary basis. These cases are likely to be the majority of the small number of long term cases and hence the saving will be minimal.</li> <li>• Are the potentially minimal savings balanced by the loss of morale and trust amongst all staff? Is it consistent with the ethos of the college?</li> <li>• How has the cost for cover been calculated? How much of it is an</li> </ul>

	<p>additional cost to the college e.g. using agency staff rather than internal cover? The need to cover absent staff should not be used to set colleagues against each other. We argue that in the vast majority of cases staff cover for each other on a 'quid pro quo' basis</p> <ul style="list-style-type: none"> <li>• Ask if the colleges' insurance policy covers salaries for those off on long term sick leave after a certain length of time.</li> </ul>
Pay for the first three days of absence must be cut to save money.	<ul style="list-style-type: none"> <li>• A reduction in sick pay can encourage staff to attend work when they are not well enough. This may result in longer periods of absence, the spread of illness, low morale and reduced work quality.</li> <li>• It is not in the students' interest to be taught by staff working under such conditions. Neither will it be good for the college reputation. Speak to the Students' Union to gain their support.</li> </ul>
We have to manage absence levels and stop people from 'throwing a sickie'.	<ul style="list-style-type: none"> <li>• The employer is entitled and needs to manage its resources and staff are its most important asset.</li> <li>• The college must start from a position of trust. It is not in anyone's interest to leave persistent unauthorised absence unchallenged but these cases will be exceptional.</li> <li>• Offer to work jointly with the college to agree a fair sickness absence management process.</li> </ul>
Levels of sickness absence are too high.	<ul style="list-style-type: none"> <li>• What issue is it that the college are seeking to address and is this backed up by their evidence? For example does the college assert long term absences are too costly?</li> <li>• Ask to see the record of sickness absence across the college. This should include a breakdown of job type, work area, time of year and the reason for the absence.</li> <li>• Are there any patterns in the sickness absence data?</li> <li>• What are the reasons for these patterns?</li> </ul>

	<ul style="list-style-type: none"> <li>• Can any areas of unusually high absence be addressed in other ways? These might include risk assessments and appropriate actions as a result of the assessment for job types that are known to have a higher level of ill health risk.</li> </ul>
We will use the Bradford Factor to decide if sickness absence levels of individual staff members are acceptable.	<ul style="list-style-type: none"> <li>• The Bradford Factor is a formula used to give a numerical value to patterns of absence. The lower the score the better the sickness record.</li> <li>• The Bradford Factor emphasises singles days of absence and encourages longer periods of absence to be taken.</li> <li>• Using this or any formula to decide whether a pattern of sickness absence is acceptable or not is a blunt tool.</li> <li>• It cannot take into account the variations in sickness absence patterns that may have been identified in the college's records.</li> <li>• It is not flexible and cannot accommodate variations in an individual's own sickness absence record.</li> <li>• It could encourage staff to come to work when they are not well in order to stay under an arbitrary score.</li> </ul>
Our aim is to be fair to all staff	<ul style="list-style-type: none"> <li>• Colleges have a general duty of care to all their staff.</li> <li>• All changes to sick pay or sickness absence management procedures must be subject to an Equality Impact Assessment.</li> <li>• Employers have a duty under the Equality Act to ensure those who are protected by the Act are treated equally and fairly.</li> <li>• Two categories of staff that are likely to be significantly impacted by sickness are those who are disabled and/ or pregnant.</li> <li>• Sickness absence related to a disability should not fall under the sickness absence management policy. If a particular disability is likely to result in a higher than usual level or different pattern of absence this should be discussed as part of any reasonable</li> </ul>



	<p>adjustments and regularly reviewed. This includes any mental health issues falling under the definition of the Equality Act.</p> <ul style="list-style-type: none"> <li>• Refer to the model Disability Leave Agreement – check if your college has one.</li> <li>• Sickness absence for pregnant employees should not fall under the sickness absence management policy and should be discussed as part of the risk assessment and regularly reviewed.</li> <li>• The reasons for absence should be recorded and appropriate adjustments should be made where there are known or suspected health or wellbeing issues. Referrals to Occupational Health should be made with the aim to support the employee.</li> </ul>
We don't have to talk to the unions to make these changes	<ul style="list-style-type: none"> <li>• The AoC has been very clear that sick pay and procedures “...<i>cannot be unilaterally changed without collective consultation and <u>agreement</u> to any proposed variation</i>”.</li> <li>• If sick pay and/or the sickness absence policy is incorporated into your contract changes must be subject to consultation.</li> <li>• Colleges would be falling short of ACAS codes by imposing such changes without consultation and agreement.</li> <li>• Colleges seeking to impose changes would cause huge damage to their relationship with staff and will reduce good will.</li> <li>• UNISON will vigorously defend members facing attacks on sick pay and policies. Colleges will risk a trade dispute if they seek to impose such changes.</li> </ul>
We will proceed with disciplinary or capability procedures for staff who are persistently off sick	<ul style="list-style-type: none"> <li>• The links between sickness absence and disciplinary or capability issues are at times very badly managed. These sections and the other relevant policies should be checked carefully with your branch office to ensure individual members are treated fairly and transparently. There should be no automatic link from measures such as the Bradford factor to disciplinary procedures.</li> </ul>

**Ask for evidence! You are entitled to see the information you need to negotiate meaningfully.**

## 10. How will a cut in sick pay affect me?

In colleges that are making changes to their sick pay arrangements, some have sought to make drastic cuts of over 50% in a number of cases. To see how this will impact on members who may find themselves in the unfortunate position of having a long term illness and needing to rely on occupational sick pay we have undertaken some pay modelling as set out in the chart below. We have modelled the AoC final offer made in December 2013, which was rejected by all of the trades unions. We have also modelled a cut of 25% and 50% based on the current position.

As you can see from table below, the real terms pay cut to a member off sick and at a time of vulnerability, could be very large indeed. The loss of occupational sick pay within the probationary period proposed by the AoC in 2012 was startling. The losses illustrated from the 2012 proposal makes it very clear why the trades unions rejected this offer and highlight why it is so important that UNISON continues to vigorously defend any attacks on sick pay.

**This is a table for support staff based on the 2013 pay scales**

### Pay point 5

Years of service	Former Agreement	Total current sick pay	AoC Proposal Dec 2013	Loss	25% cut	50% cut
During 1 <sup>st</sup> year of service during probation/ less than 4 months service	1 month's full pay	£2,094.75	Statutory sick pay only	£1,744.55	£523.69	£1,047.38
During 1 <sup>st</sup> year of service after probation/ 4 or more months service	1 month's full pay and 2 months' half pay	£4,189.50	1 month's full pay and 1 month's half pay	£1,047.38	£1,047.38	£2,094.75
During 2 <sup>nd</sup> year of service	2 months' full pay and 2 months' half pay	£6,284.25	2 months full pay and 2 months half pay	None	£1,571.06	£3,142.13

## Pay Point 10

Years of service	Former Agreement	Total current sick pay	AoC Proposal Dec 2013	Loss	25% cut	50% cut
During 1 <sup>st</sup> year of service during probation/ less than 4 months service	1 month's full pay	£1,365.75	Statutory sick pay only	£1,015.55	£341.44	£682.88
During 1 <sup>st</sup> year of service after probation/ 4 or more months service	1 months' full pay and 2 months' half pay	£2,731.50	1 months full pay and 1 months half pay	£682.88	£682.88	£1,365.75
During 2nd year of service	2 months' full pay and 2 months' half pay	£4,097.25	2 months full pay and 2 months half pay	None	£1,024.31	£2,048.63
During 3 <sup>rd</sup> year of service	4 months' full pay and 4 months' half pay	£8,194.50	4 months full pay and 2 months half pay	£1,365.75	£2,048.63	£4,097.25
During 4 <sup>th</sup> and 5 <sup>th</sup> year of service	5 months' full pay and 5 months' half pay	£10,243.13	4 months full pay and 2 months half pay	£3,414.38	£2,560.78	£5,121.56
After 5 years' service	6 months' full pay and 6 months' half pay	£12,291.75	4 months full pay and 2 months half pay	£5,463.00	£3,072.94	£6,145.88

## Pay Point 15

<b>Years of service</b>	<b>Former Agreement</b>	<b>Total current sick pay</b>	<b>AoC Proposal December 2013</b>	<b>Loss</b>	<b>25% cut</b>	<b>50% cut</b>
During 1 <sup>st</sup> year of service during probation/ less than 4 months service	1 month's full pay	£1,568.25	Statutory sick pay only	£1,218.05	£392.06	£784.13
During 1 <sup>st</sup> year of service after probation/ 4 or more months service	1 months' full pay and 2 months' half pay	£3,136.50	1 months full pay and 1 months half pay	£784.13	£784.13	£1,568.25
During 2 <sup>nd</sup> year of service	2 months' full pay and 2 months' half pay	£4,704.75	2 months full pay and 2 months half pay	None	£1,176.19	£2,352.38
During 3 <sup>rd</sup> year of service	4 months' full pay and 4 months' half pay	£9,409.50	4 months full pay and 2 months half pay	£1,568.25	£2,352.38	£4,704.75
During 4 <sup>th</sup> and 5 <sup>th</sup> year of service	5 months' full pay and 5 months' half pay	£11,761.88	4 months full pay and 2 months half pay	£3,920.63	£2,940.47	£5,880.94
After 5 years' service	6 months' full pay and 6 months' half pay	£14,114.25	4 months full pay and 2 months half pay	£6,273.00	£3,528.56	£7,057.13

## 11. Checklist

We know the context in which we are defending sick pay is difficult and colleges will put forward seemingly plausible arguments for making cuts to sick pay or toughening up measures to manage sickness absence. However, we have also seen that the arguments put forward by colleges are often a knee-jerk reaction and rarely address the real issues.

As we have demonstrated, cuts to sick pay and entitlements have a real and significant impact on members when they are at their most vulnerable.

**Defending sick pay and entitlements is a UNISON priority and we will support colleges and branches to achieve the best results possible.**

The following are some of the key points that you should cover in your negotiations with management

- a) Make sure UNISON is consulted over any sickness management policy or procedures. UNISON recommends that the consultation period should be at least 30 days. Set up regular Joint Consultation Committee (JCC) meetings. In accordance with ACAS guidance the college must consult and where the previous joint agreement was in place or sick pay provision/policy are incorporated into the contract they must consult on and agree changes with staff. If the college refuse to engage in consultation speak to your branch office immediately. A trade dispute should be considered, if management try to impose a worse sick pay and leave scheme.
- b) Make sure any policy recognises that the key to managing absence is about creating healthy workplaces and supporting rather than punishing those with ill health.
- c) Remind members of the importance of notifying their manager of any disability they may have if it will lead to regular absence.
- d) Be proactive in negotiating reasonable adjustments on behalf of disabled members. These include:
  - Differentiating between sickness and disability related absence;
  - Reduced or altered hours/flexible working;
  - Change of duties;
  - Workplace adaptations.
- e) Make sure your employer consults with you in deciding how and what information is required when collecting sickness absence records, and shares any data showing the underlying causes of sickness absence.
- f) Remind your employer to ensure that any “trigger points” are agreed in consultation with trade unions are fair, equality proofed, within sickness management procedures and do not discriminate against disabled workers or any other of the protected characteristics.
- g) Seek to ensure that the following are excluded from normal sickness absence procedures (e.g. trigger points):
  - Any disability related absence;
  - Work related injury or illness;
  - Pregnancy related absence.
- h) Ensure your employer makes adequate provision for time off for:
  - Caring for sick family and relatives;
  - Observance of religious holidays.
- i) Make sure your members (especially those who are likely to be off sick for four weeks or more) understand how the government’s return to work service may impact of them and what will happen should they be referred to it

## **Further Information and Contact Details**

UNISONdirect can be contacted by telephone or online form:

- Tel: 0800 0 857 857
- Textphone: 0800 0 967 968 (freephone)
- Online form: [general enquiry form](#)

Lines are open from 6am to midnight on Monday to Friday and 9am to 4pm on Saturday. Outside these times, you can leave an answerphone message and UNISONdirect will call you back. Or contact [Education@unison.co.uk](mailto:Education@unison.co.uk)

## **Health and safety**

UNISON believes health and safety in the workplace is an issue for everyone. Every year, thousands of people suffer accidents and ill-health at work - most of which could be avoided. This link provides information and advice on a wide range of issues relevant to members working in Colleges.

### **UNISON Advice on Sickness Absence**

<https://www.unison.org.uk/upload/sharepoint/On%20line%20Catalogue/18267.pdf>

<https://www.unison.org.uk/knowledge/health-and-safety/>

<https://www.unison.org.uk/get-help/help-with-problems-at-work/employment-rights/sickness-and-absence/your-rights/>

Risk Assessment – a guide for UNISON safety reps (stock no. 1351)

Health and safety – a guide for UNISON safety reps (stock no. 1684)

Disability and health and safety: a guide for UNISON safety reps (stock no. 3068)

Model Disability Leave Agreement

<https://www.unison.org.uk/upload/sharepoint/Briefings%20and%20Circulars/Agreement%20on%20Disability%20Leave%20Oct%202012.pdf>

The ageing workforce: health and safety implications (stock no. 3240)

Gender, safety and health: a guide for UNISON safety reps (stock no. 1982)

Stress at work: a guide for UNISON reps (stock no. 1725)

## **Other publications and websites**

Equality and human rights commission publications  
(<http://www.equalityhumanrights.com>)

Equality Act 2010 Code of practice on employment, 2011

Religion or belief in the workplace: a guide for employers following recent European Court of Human Rights judgments, 2013 (updated 2014)

TUC publications (<http://www.tuc.org.uk/>)

Sickness absence and disability discrimination: a trade union negotiator's guide to the law and good practice, 2013 <http://www.tuc.org.uk/equality-issues/disability-issues/disability-discrimination/disability-resources/sickness-absence-0>

Confidentiality and medical records, 2009.

Health and Safety Executive (HSE) (<http://www.hse.gov.uk/>)

Managing sickness absence and return to work web pages  
(<http://www.hse.gov.uk/sicknessabsence/>)

Information on the Health and Work Service

DWP Health and Work Service website  
<https://www.gov.uk/government/policies/helping-people-to-find-and-stay-in-work/supporting-pages/co-ordinating-the-health-work-and-wellbeing-initiative#health-and-work-service>

Working Health Service Scotland website  
<http://www.healthyworkinglives.com/advice/Legislation-and-policy/work-related-illness-injury/vocational-rehabilitation/working-health-services-scotland/about-working-health-services-scotland>

**Joint Agreement on Sickness Absence LINK to be provided**

## **ACAS**

**‘New’ The Right to Request Flexible Working**  
<http://www.acas.org.uk/index.aspx?articleid=1616>

<http://www.acas.org.uk/index.aspx?articleid=4199>

<http://www.acas.org.uk/index.aspx?articleid=4580>

## **HSE**

<http://www.hse.gov.uk/sicknessabsence/>

---

<sup>i</sup> Ibid – The 2013 report showed that if musculoskeletal injuries and back pain figures were added together combined they would be the leading cause of both long and short term absence.

<sup>ii</sup> Working together to prevent sickness becoming job loss: practical advice for safety and other trade union representatives, HSE.

<sup>iii</sup> DWP Getting the most out of the fit note: guidance for employers and line managers

([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/183291/fitnote-employers-linemanagers-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183291/fitnote-employers-linemanagers-guidance.pdf) )